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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ASCO.P-070	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____		Application Number 09/683,426	Filed 12/27/2001
		First Named Inventor George Brookner	
		Art Unit 3639	Examiner Woo, Richard Sukyoon
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p style="text-align: right;">I hereby certify that the above-referenced document is being transmitted to the United States Patent and Trademark Office, by facsimile to: <u>571-273-83</u> on <u>9-29-05</u> by <u>Lori South</u> <u>Lori South</u></p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"> <div style="width: 45%;"> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>32,746</u></p> </div> <div style="width: 45%; text-align: center;"> _____ Signature Carl Oppedahl _____ Typed or printed name 970-468-6600 _____ Telephone number September 29, 2005 _____ Date </div> </div> <p style="font-size: small; margin-top: 10px;">NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/683,426

Filed: 12/27/2001

Attorney Docket No.: ASCO.P-070

Group Art Unit: 3629

Examiner: Woo, Richard Sukyoon

Confirmation No: 8729

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The invention of this application involves postage indicia that contains identifying information unique to the purchaser of that particular postage indicia. The invention has nothing to do with a purchaser of a postage meter.

The limitations of Claims 1-9 are not met by the Kara (US 5,717,597) reference ("Kara") cited by the Examiner.

Kara does not disclose a "method requiring as a precondition of purchasing at least one postal indicium, receipt of first information indicative of the purchaser's identity." This precondition an absolute necessity before the purchase can be completed. Without receipt of the first information, it is impossible to complete the rest of the steps of the invention. *See the Response to the January 13, 2005 Office Action, pages 2-5. See also, the Reply to the July 14, 2005 Final Office Action, pages 2-5.*

Claim 1's limitation of "printing said second information upon the at least one postal indicium," where the second information is functionally derived by electronic computation from the first information, said first information indicative of the identity of a "purchaser" of a postal indicium, is not disclosed by Figs. 16A-B and Col. 16, lines 35-60 of Kara. Nothing in Kara indicates that the "customer" of Kara is equivalent to the "purchaser" of the present application. The "customer" of Kara is also not the same as the "user" or "individual" of Kara. *See the Reply to the July 14, 2005 Final Office Action, pages 2-5.*

Claims 2-9 are dependent on Claim 1. If Claim 1 is allowable, then Claims 2-9 should also be allowed.

The limitations of Claims 10-19 are not met by Kara.

The Kara reference does not disclose: "requiring, as a precondition of receiving at least

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one addressed mail piece with a postal indicium into the mail, that the postal indicium bear second information derived by electronic computation from first information indicative of the identity of the purchaser.” Even though the claims are different, the arguments provided for Claim 1 above and in the *Reply to the July 14, 2005 Final Office Action*, pages 2-5 also apply to Claim 10. In addition please see the *Response to the January 13, 2005 Office Action*, the top of page 8 and pages 4-6.

The sections of Kara identified by the Examiner do not disclose “receiving the at least one addressed mail piece with the postal indicium into the mail; and delivering the at least one addressed mail piece.” See the *Response to the January 13, 2005 Office Action*, page 8.

Claims 11-19 are dependent on Claim 10. If Claim 10 is allowable, then Claims 11-19 should also be allowed.

The limitations of Claims 20-29 are not met by Kara.

Claim 20 is different than Claim 1. Claim 20 discloses a method for use with postal indicia that has already been purchased and Claim 1 discloses a method which includes steps for purchasing postal indicia. See the *Response to the January 13, 2005 Office Action*, pages 9-10.

Column 16, lines 35-60 of Kara do not disclose “requiring, as a precondition of delivering at least one addressed mail piece with a postal indicium, that the postal indicium bear second information derived by electronic computation from first information indicative of the identity of the purchaser.” The issue, as with Claim 1, is the limitation of “information indicative of the identity of the purchaser” as a precondition to being able to perform another step within the method of the invention. In the case of Claim 20, that step is “delivering at least one addressed mail piece.” For the same reasons that Kara does not disclose Claim 1's precondition of receiving “first information indicative of the purchase's identity” prior to purchasing a postal indicium, Kara does not disclose Claim 20's precondition of receiving that information prior to delivering an addressed mail piece. See the *Reply to the July 14, 2005 Final Office Action*, pages 2-5.

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Kara also does not disclose: "receiving the at least one addressed mail piece with the postal indicium into the mail; and delivering the at least one addressed mail piece." *See the Response to the January 13, 2005 Office Action, pages 10-11.*

Claims 21-29 are dependent on Claim 20. If Claim 20 is allowed, then Claims 21-29 should also be allowed.

The limitations of Claims 30-32 are not met by the English translation of the Ruat (WO 95/20200) reference ("Ruat") cited by the Examiner.

"Receiving an addressed mail piece with the at least one postal indicium into the mail," which the Examiner states Ruat discloses, is not the same as Claim 30's limitation of, "receiving a delivered mail piece bearing a postal indicium." This is because receiving a piece of mail into the mail (i.e. occurring at the time a letter is placed in the mail or brought to the post office) is not the same as a recipient receiving a delivered piece of mail (i.e. occurring when a letter is delivered to the recipient). *See the Response to the January 13, 2005 Office Action, pages 11-12.*

The last two paragraphs of Ruat's page 10 and the first paragraph of page 11 of Ruat do not disclose Claim 30's limitation of "a recipient possessing a list of expected senders... [and] determining whether the sender whose identity is indicated by the second information is on the list of expected senders." Ruat instead discloses that "a company which everyday receives several tens or hundreds of mailing envelopes... can also proceed automatically with a first sorting of the mail received, when the name of the person who is the recipient of an envelope appears in the coded non-encrypted information in addition to the name of the company." Sorting by the name of the recipient on an envelope is different than having a list of expected senders and checking to see if the expected sender of an envelope is on that list. *See the Response to the January 13, 2005 Office Action, pages 12-13 and the Reply to the July 14, 2005 Final Office Action, pages 8-9.*

Claims 31-32 are dependent on Claim 30. If Claim 30 is allowed, then Claims 31-32 should also be allowed.

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The limitations of Claims 37-39 are not met by Kara.

Column 16 of Kara does not disclose "cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicium." The problem here, as with Claim 1 is the limitation of "information indicative of [the] identity of the purchaser." For the same reasons that Kara does not disclose Claim 1's limitation of receiving "first information indicative of the purchase's identity" prior to purchasing a postal indicum, Kara does not disclose Claim 37's limitation of "cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicium." Nor does Kara disclose Claim 38's limitation of a plurality of postage indicia comprising "cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indic[um]" or Claim 39's limitation of "a printer adapted to print upon the plurality of adhesive postal indicia cryptographically signed information indicative of an identity of a purchaser of the adhesive postal indicia." *See the Reply to the July 14, 2005 Final Office Action, pages 10-11. Also see the Response to the January 13, 2005 Office Action, pages 13-15.*

The limitations of Claim 40 are not met by Kara.

Kara does not disclose Claim 40's limitation of "receiving information indicative of an identity of a purchaser of the adhesive postal indicia" for the same reasons that Claim 1 does not disclose "receipt of first information indicative of the purchaser's identity." *See the Response to the January 13, 2005 Office Action, page 15.*

Kara does not disclose Claim 40's limitations of "cryptographically signing the information indicative of the identity of the purchaser of the adhesive postal indicia," nor does it disclose the limitation of: "printing upon the adhesive postal indicia, information indicative of the cryptographically signed information" for the same reason that Claims 37-39 do not disclose "cryptographically signed information indicative of an identity of a purchaser of adhesive postal indicia." *See the Response to the January 13, 2005 Office Action, pages 15-16. Also see the Reply to the July 14, 2005 Final Office Action, page 11.*

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The limitations of Claim 41-43 are not met by Ruat.

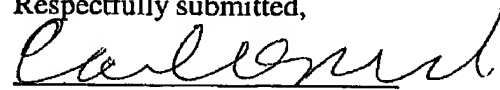
Ruat does not disclose Claims 41-43's limitations of "determining, by the recipient, whether the sender whose identity is indicated by the second information is on the list of expected senders." *See the Response to the January 13, 2005 Office Action, pages 16-17.*

Ruat does not disclose Claim 42's limitation of "the information indicative of the identity of the sender that is borne in the postal indicium is cryptographically signed, and further characterized in that the reading step further comprises checking the cryptographic signature." In fact, Ruat specifically teaches away from this limitation because the Ruat recipient does not have the ability to read encrypted information, only the postal service in Ruat can. *See the Response to the January 13, 2005 Office Action, pages 17-18. See also the Reply to the July 14, 2005 Final Office Action, pages 11-12.*

The Examiner deemed prior arguments regarding the Ruat reference persuasive.

The Examiner stated on page 2 of the January 13, 2005 Office Action, that Applicant's arguments "with respect to the prior art rejection have been fully considered and are persuasive," and withdrew that prior art rejection. With respect to Claims 30-32 and 40-43, *see the arguments found on pages 11-15 of the response to the September 9, 2004 Office Action* which discuss Ruat and were deemed by the Examiner in the January 13, 2005 Office Action as persuasive.

Respectfully submitted,



Carl Oppedahl
Reg. No. 32746
Attorney for Applicant
(970) 468 6600